

MARGIE L. RICE
Mayor

ANDY QUACH
Mayor Pro Tem

FRANK G. FRY
Council Member

KERMIT MARSH
Council Member

TRI TA
Council Member



AGENDA

CITY COUNCIL/REDEVELOPMENT AGENCY/PUBLIC FINANCING AUTHORITY REGULAR MEETING

December 10, 2008

7:00 p.m. – Council Chambers

**8200 WESTMINSTER BOULEVARD
WESTMINSTER, CALIFORNIA 92683**

If you need special assistance to participate in this meeting, please contact the City Clerk's office at (714) 898-3311. Notification of 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.102-35.104 American Disabilities Act Title II)

AGENDA INFORMATION

MEETINGS

Regular Meetings of the City Council/Redevelopment Agency are held the second and fourth Wednesday of each month at the hour of 6:00 p.m. (5:00 p.m. if deemed necessary) for Closed Session matters, if required. **The public session of the meeting shall commence at 7:00 p.m.** or as soon thereafter as possible.

While in the City Council Chamber, please *turn off* all cellular phones and pagers.

AGENDA INFORMATION

The agenda contains a brief general description of each item to be considered. Agendas are available at the entryway of the Council Chambers. Supporting documentation to each agenda item is available in the entryway for public review.

PUBLIC COMMENTS

Pursuant to Government Code Section 54954.3, members of the public may address the City Council/Redevelopment Agency/Public Financing Authority during each item on the agenda as called. Oral Communications is held after the Consent Calendar portion of the agenda and provides the public an opportunity to address any items of interest **not on the agenda** that are within the subject matter jurisdiction. NO action may be taken on items not listed on the agenda unless authorized by law. Comments shall be limited to three minutes per person.

To address the City Council/Redevelopment Agency on any matter, complete a "Request to Speak" form located at the entrance to the Council Chambers. Present the form to the City Clerk prior to being heard by the City Council. When speaking, please face the City Council and state your name and address for the record.

AGENDA ON THE INTERNET

The Agenda is available at <http://www.ci.westminster.ca.us>. The agenda can be accessed on the internet on the Friday before the meeting on Wednesday.

TELEVISED MEETING SCHEDULE

Regular City Council/Agency meetings are broadcast live on Westminster Cable Channel 3 and REBROADCAST on Monday and Friday at 11:00 a.m.; Tuesday, Wednesday and Thursday at 7:00 p.m.; Wednesday at 12 noon; and Saturday and Sunday at 6:00 p.m.

PUBLIC USE OF COUNCIL CHAMBER EQUIPMENT

All computer presentations must be e-mailed or provided on a CD-ROM to the City Clerk at least 48 hours prior to the meeting. Items to be displayed on the overhead projector must be submitted to the City Clerk for review prior to use of the equipment.

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7:00 P.M.

PUBLIC COMMENTS MAY BE RECEIVED BY THE CITY COUNCIL/REDEVELOPMENT AGENCY OR PUBLIC FINANCING AUTHORITY DURING EACH ITEM ON THE AGENDA AS CALLED.

The City Council/Redevelopment Agency of the City of Westminster will regularly convene in joint session for the purpose of considering the following City Council/Redevelopment Agency Agenda items. The Westminster Public Financing Authority is also an agency on which Council serves as members. This Agency may also have items scheduled.

CONVENE CITY COUNCIL/REDEVELOPMENT AGENCY MEETING

ROLL CALL: RICE, QUACH, FRY, MARSH, TA

SALUTE TO FLAG:

INVOCATION: Chaplain Charlie Wilkins

SPECIAL PRESENTATION:

Recognition of the Holiday Home Decorating Participants

REPORT FROM CITY CLERK ON LATE COMMUNICATION ITEMS

- 1) **PROPOSED WATER SERVICE RATE INCREASE FOR FISCAL YEAR 2008-09. (PUBLIC HEARING CLOSED) – (Continued from the November 12, 2008 meeting)** (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- 1) Approve a 15% rate increase to the commodity portion of the current water rate effective January 1, 2009. Prior to July 1, 2009, following a detailed study of the current water rate structure, and reviewing the water fund contributions to other city operations, staff will recommend a reduced rate to be effective July 1, 2009.
- 2) Adopt Resolution No. 4193 entitled, "A Resolution of the Mayor and City Council of the City of Westminster rescinding Resolution No. 4128 and adopting Administrative Rules and Regulations for the City Water System, Pursuant to the Municipal Code".

NOTE: Any writings or documents provided to a majority of the City Council/Agency Board regarding any item on this agenda is available for public inspection at the public counter at City Hall located at 8200 Westminster Boulevard, Westminster, CA during normal business hours, except such documents that relate to closed session items or which are otherwise exempt from disclosure under applicable law. These writings are also available for review in the public access binder located in the entryway to the Council Chambers.

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- 2) ADOPTION OF RESOLUTION DECLARING THE RESULTS OF THE GENERAL MUNICIPAL ELECTION HELD ON NOVEMBER 4, 2008**
(Marian Contreras)

RECOMMENDATION: That the Mayor and City Council Receive and file the City Clerk's Certificate of Results of the General Municipal Election held on November 4, 2008 and adopt Resolution No. 4203 entitled, "A Resolution of the Mayor and City Council of the City of Westminster, California, reciting the fact of the General Municipal Election held on November 4, 2008, declaring the result and such other matters as provide by law."

SPECIAL PRESENTATIONS TO OUTGOING COUNCIL MEMBER KERMIT MARSH

REMARKS FROM OUTGOING COUNCIL MEMBER KERMIT MARSH

OATH OF OFFICE

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RECONVENE

ROLL CALL

REMARKS FROM MAYOR AND COUNCIL MEMBERS

SELECTION OF A MAYOR PRO TEM

AGENDA

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1. CONSENT CALENDAR

ALL MATTERS LISTED UNDER THE CONSENT CALENDAR ARE CONSIDERED ROUTINE AND WILL BE ENACTED BY ONE VOTE. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS UNLESS MEMBERS OF THE CITY COUNCIL/REDEVELOPMENT AGENCY/PUBLIC FINANCING AUTHORITY, THE PUBLIC, OR STAFF REQUEST SPECIFIC ITEMS BE REMOVED FROM THE CONSENT CALENDAR FOR SEPARATE ACTION OR DISCUSSION.

COMPLETE THE ATTACHED GREEN FORM AND GIVE TO THE CITY CLERK PRIOR TO THE CONSENT CALENDAR PORTION OF THE AGENDA. WHEN YOUR NAME IS CALLED, PLEASE STEP TO THE PODIUM AT THAT TIME AND STATE YOUR NAME AND ADDRESS FOR THE RECORD.

APPROVAL OF MINUTES

- 1.1 **(City Council/Redevelopment Agency) Minutes of the Regular Meetings of the City Council/Redevelopment Agency of October 22, 2008, November 12, 2008 and November 26, 2008.** (Marian Contreras)

RECOMMENDATION: Approve.

- 1.2 **Proclamation declaring December 18, 2008 as “A Day Without a Bag” in the City of Westminster. The purpose of the proclamation is to encourage foregoing disposable plastic and paper bags in favor of reusable totes and recognizing the negative impact of plastic bags on the environment.**

RECOMMENDATION: Approve.

ROUTINE MATTERS

- 1.3 **Bid Solicitation Process for Construction of New Police Building.** (Andy Hall)

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- 1) Authorize the Bid Solicitation Process for the construction of the new Police building; and
- 2) Approve the Prequalification Questionnaire contained in the Contractors' Bid Instructions.

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1. CONSENT CALENDAR (Continued)

1.4 Notice of Completion for work performed by California Building Evaluation and Construction, Inc. for Drinking Fountain Replacement at City Parks and Civic Center. (Marwan Youssef)

RECOMMENDATION: Staff recommends that the City Council accept the subject project and authorize the City Clerk to file a Notice of Completion with the County Recorder's Office.

1.5 Amendment No. 1 to Professional Engineering Design Services Agreement with W.G. Zimmerman Engineering, Inc., to provide additional engineering services (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve Amendment No. 1 to the professional engineering design services agreement with W.G. Zimmerman Engineering, Inc., in an amount not to exceed \$35,000.00.

1.6 Third Amendment to the Owner Participation Agreement between the City of Westminster/Westminster Redevelopment Agency and The Retail Property Trust, a Massachusetts Business Trust for 1078 Westminster Mall - "City Hall at the Mall". (Tami Piscotty)

RECOMMENDATION: Staff recommends that the Mayor/Chair and City Council/Agency Board approve the Third Amendment to the Owner Participation Agreement, modifying and extending the existing agreement to September 30, 2013, and authorize the City Manager/Executive Director to execute the document on behalf of the City/Agency.

1.7 Award of Contract for Purchase of an Automated Valve Turning Machine. (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council award the bid for the purchase of the subject equipment to the low qualified bidder, E.H. Wachs Company, in the amount of \$42,873.73.

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1. CONSENT CALENDAR (Continued)

ADMINISTRATIVE ITEMS

1.8 **Date for Youth in Government Day.** (Greg Johnson)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve Wednesday, February 25, 2009 for the annual Youth in Government Day program.

1.9 **Special Event Permit application from Little Saigon Foundation to hold the 16th Annual Christmas Wish Program on Saturday, December 20, 2008 between the hours of 6:00 a.m. and 2:00 p.m. (includes set up and clean up times). The event will take place in the Civic Center Sunken Gardens, 8200 Westminster Boulevard. Applicant estimates the attendance will be 2,000 people throughout the event.** (Greg Johnson)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the Special Event Permit application subject to the conditions attached to the staff report.

1.10 **Fee Waiver request from the Community Courts Foundation, West Justice Center Division, to host a Holiday party for Westminster participants and their families in the East/West room of the Community Services building on December 17, 2008 from 9:00 a.m. until 3:00 p.m.** (Greg Johnson)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the fee waiver request as outlined in the fee waiver policy for use of City facilities by Community Groups/Non-Profit Organizations.

1.11 **Fee Waiver request from Charlie Wilkins, President of Kiwanis Club of Westminster for use of the East/West room in the Community Services building to hold a Christmas gathering for the Kiwanis of Westminster on December 12, 2008.** (Greg Johnson)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the fee waiver request as outlined in the fee waiver policy for use of City facilities by Community Groups/Non-Profit Organizations.

WARRANT REGISTER

1.12 **(City Council/Redevelopment Agency) Warrant Register dated November 5 through December 2, 2008.** (Paul Espinoza)

RECOMMENDATION: Approve.

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1. CONSENT CALENDAR (Continued)

INFORMATION AND REPORTS

- 1.13 Minutes of the Community Services and Recreation Commission meeting held on April 16, 2008 and October 15, 2008.** (Greg Johnson)

RECOMMENDATION: Receive and file.

- 1.14 Westminster Redevelopment Agency Annual Report for FY 2007-08.** (Kathy Johnston)

RECOMMENDATION: Receive and file.

- 1.15 Minutes of the Cultural Arts Commission meeting held on September 4, 2008.** (Greg Johnson)

RECOMMENDATION: Receive and file.

- 1.16 Minutes of the Youth Committee meeting held on September 10, 2008 and October 8, 2008.** (Greg Johnson)

RECOMMENDATION: Receive and file.

- 1.17 Treasurer's Report – October 2008.** (Paul Espinoza)

RECOMMENDATION: Receive and file.

- 1.18 Minutes of the Planning Commission meeting held October 15, 2008 and November 5, 2008.** (Doug McIsaac)

RECOMMENDATION: Receive and file.

- 1.19 Community Development Monthly Activity Report – October 2008.** (Doug McIsaac)

RECOMMENDATION: Receive and file.

END OF CONSENT CALENDAR

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2. ORAL COMMUNICATIONS

THIS IS THE TIME OF THE MEETING THAT MEMBERS OF THE PUBLIC MAY ADDRESS THE CITY COUNCIL/REDEVELOPMENT AGENCY REGARDING ANY ITEMS OF INTEREST NOT ON THE AGENDA THAT ARE WITHIN THE SUBJECT MATTER JURISDICTION OF THE CITY COUNCIL/AGENCY BOARD. COMMENTS SHALL BE LIMITED TO THREE MINUTES PER SPEAKER.

COMPLETE THE ATTACHED GREEN FORM AND GIVE IT TO THE CITY CLERK. WHEN YOUR NAME IS CALLED, PLEASE STEP TO THE PODIUM AT THAT TIME AND STATE YOUR NAME AND ADDRESS FOR THE RECORD.

3. COMMISSION/COMMITTEE ITEMS SUBJECT TO REVIEW - None

4. PUBLIC HEARINGS - None.

5. MATTERS FROM COUNCIL/AGENCY/AUTHORITY MEMBERS

5.1 Council/Agency Member Items

5.2 AB 1234 Reports

5.3 Resolution No. 4202 - A Resolution of the Mayor and the City Council of the City of Westminster Providing for a Compensation Plan for Part-Time Employees of the City of Westminster. (Mayor Rice)

RECOMMENDATION: The Honorable Mayor Margie L. Rice recommends that the City Council adopt Resolution No. 4202 entitled, "A Resolution of the Mayor and City Council of the City of Westminster Providing for a Compensation Plan for Part-Time Employees of the City of Westminster."

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6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR

6.1 Contractual plan check services for the new City/Chamber of Commerce building and scheduling a study session. (Doug McIsaac)

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- 1) Authorize a purchase order in an amount not to exceed \$15,000 for Melad & Associates to provide plan check and inspection services for the new City/Chamber of Commerce building.
- 2) Schedule a study session for a presentation on the progress of the project to start at 6:00 PM prior to the Council meeting on February 11, 2009.

6.2 Agreement to the transfer of 2008 Emergency Management Performance Grant Program (EMPG) funds. (Andy Hall)

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- 1) Approve the agreement with the County of Orange for the 2008 Emergency Management Performance Grant Program and authorize the Chief of Police to execute the agreement on behalf of the City.
- 2) Approve a revenue increase to the fiscal year 2008-09 budget for the Office of Emergency Services for the Emergency Management Performance Grant Program in the amount of \$6,259; and
- 3) Approve a budget increase to General Police Services – Special Departmental Expenses in the amount of \$6,259 for costs associated with the Emergency Management Performance Program.

6.3 Award of Contract for Senior Center Men's and Women's Restroom ADA Upgrade at Community Services Building. (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- 1) Approve the award of contract to the low qualified and responsive bidder in the amount of \$39,100.00 to Thomco Construction, Inc.; that all other bids be rejected; and that the City Manager be authorized to execute the contract on behalf of the City; and
- 2) Approve a revenue increase to the fiscal year 2008-09 budget for a grant from the County of Orange, County Supervisors Office in the amount of \$40,000; and
- 3) Approve a budget increase to the Capital Improvements Budget – Senior Center Annex Improvements, in the amount of \$40,000.

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6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR (Continued)

6.4 (City/Agency/Authority) Approval of the form of Bond Documents, Preliminary Official Statement and Bond Sale Documents for the 2009 Subordinate Tax Allocation Bonds (Police Facility). Authorizing the sale of Bonds. (Paul Espinoza)

RECOMMENDATION: Staff recommends that the **Mayor and City Council** adopt Resolution No. 4204 entitled, "A Resolution of the Mayor and City Council of the City of Westminster Approving the Issuance by the Westminster Redevelopment Agency of its Westminster Commercial Redevelopment Project No. 1 2009 Subordinate Tax Allocation Bonds (Police Facility)."

RECOMMENDATION: Staff recommends that the **Chair and Redevelopment Agency Board** adopt Resolution No. 201 entitled, "A Resolution of the Westminster Redevelopment Agency Approving the Issuance of its Westminster Commercial Redevelopment Project No. 1 2009 Subordinate Tax Allocation Bonds (Police Facility), Approving a Trust Indenture, an Official Statement and a Purchase Contract, Authorizing the Executive Director to Set the Final Terms of the Sale of the Bonds and Making Certain Findings and Determinations Relating Thereto."

RECOMMENDATION: Staff recommends that the Chair **Westminster Public Financing Authority** adopt Resolution No. 32 entitled, "A Resolution of the Board of Directors of the Westminster Public Financing Authority Approving the Purchase and Resale of Westminster Commercial Redevelopment Project No. 1 2009 Subordinate Tax Allocation Bonds (Police Facility), of the Westminster Redevelopment Agency, Approving a Purchase Contract and Approving Certain Other Matters Relating Thereto."

6.5 (City/Agency) Award of Contract for Community Services Parking Lot Improvements. (Marwan Youssef)

RECOMMENDATION: Staff recommends that the **Chair and Agency Board**

- 1) Authorize a budget transfer in the amount of \$303,961.00 from the Redevelopment Fund Contingency to the Community Services Parking Lot Improvements CIP Project No. 18000-0191803.

RECOMMENDATION: Staff recommends that the **Mayor and City Council:**

- 1) Authorize an increase to Purchase Order No. 5302 for West Coast Arborists in the amount of \$27,000.00; and
- 2) Approve the Award of contract to the low qualified bidder, in the amount of \$237,314 to C.S. Legacy, and authorize the City Manager to execute the contract on behalf of the City.

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7. **WRITTEN COMMUNICATIONS (Public) – None.**
8. **LEGISLATIVE ITEMS – None.**
9. **COMMISSION AND COMMITTEE ITEMS – None.**
10. **COUNCIL/AGENCY ADJOURNMENT**

DECLARATION: This agenda was posted on the Bulletin Board outside of the Council Chambers, where completely accessible to the public, at least 72 hours in advance of the City Council/Redevelopment Agency meeting.

Marian Contreras

Marian Contreras, City Clerk/Agency Secretary